

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoFILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO2014 APR 23 AM 11:27  
CLERK-LAS CRUCESUnited States of America  
v.

Monique M. Martinez

Case No.

14-1335MJ

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 18, 2014 in the county of Eddy County in the  
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

21 USC § 841

- Possession with the intent to distribute 174.6 grams of a mixture or substance containing a detectable amount of methamphetamine.

This criminal complaint is based on these facts:

See attached "Affidavit"

☒ Continued on the attached sheet.

Complainant's signature

Joseph W. Gelinas, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/23/2014

Judge's signature

City and state: Las Cruces, New Mexico

Kea Riggs, Magistrate Judge

Printed name and title

United States of America

v.

Monique M. Martinez

### **AFFIDAVIT**

Affiant, Joseph W. Gelinas, Drug Enforcement Administration, United States Department of Justice, being duly sworn does depose and state the following.

The affiant is a Special Agent with the Drug Enforcement Administration, and has been so employed for approximately three years. Your affiant is currently assigned to the Las Cruces Residence Office of the DEA. The affiant has received specialized training in controlled substance violations, including but not limited to Title 21 of the United States Code. That affiant is familiar with and has participated in several investigations involving the transportation, storage and distribution of controlled substance and U.S. currency.

This affidavit is prepared in support of a complaint, charging Monique Martinez, with a violation of Title 21, United States Code Section 841, Possession with intent to distribute, to wit: approximately 174.6 grams gross of methamphetamine. Affiant was provided with the following information from members of the Pecos Valley Drug Task Force during this investigation.

On March 18, 2014, Officer N. Martinez, from the Carlsbad Police Department (CPD), was dispatched to 306 North Halagueno Street in Carlsbad, New Mexico, to investigate a complaint regarding heavy pedestrian traffic to/from the residence. The landlord and reporting party stated that he believed the traffic was consistent with that of drug users.

Upon arrival, at 306 North Halagueno Street, Officer Martinez made contact Monique Martinez. Officer Martinez learned from dispatch that there may be an active warrant for her arrest. While waiting for the dispatcher to confirm the warrant, Martinez was allowed to go inside the residence to get a lighter. The Officer observed that the female went into residence with a black and white zebra striped purse and did not exit with the purse or a lighter. Officer Martinez inquired about the location of Martinez' purse. Martinez stated that she had left the purse inside and that the purse contained a methamphetamine pipe. Martinez confessed to removing the pipe from her purse and putting it on the couch. Martinez and Officer Martinez went inside the residence to secure the methamphetamine pipe.

Once inside the residence, Martinez retrieved a pipe from the couch. Officer Martinez inquired about the location of Martinez' purse. The Officer saw the purse sitting on the floor inside the dining room. Officer Martinez then pointed towards the purse and directed Martinez' attention to purse. Martinez then positioned her body in between the Officer and the purse.

Officer Martinez asked Martinez if there was methamphetamine in her purse and Martinez stated "yes."

At approximately this time the dispatcher confirmed that the arrest warrant was active. Officer Martinez then advised Martinez of her rights as per Miranda. Martinez understood her rights, waived her rights, and agreed to speak with Officer Martinez.

Officer Martinez again asked about the contents of Martinez' purse. Martinez stated there was a \$40 worth of methamphetamine, money and a pipe in the purse. Officer Martinez observed a set of scales within close proximity to the couch.

Officer Martinez then contacted the Pecos Valley Drug Task Force (PVDTF) for assistance and Task Force Agent (TFA) Michael Harrison and TFA Kevin Matthews responded accordingly. Martinez told the agents that she had smoked methamphetamine earlier that day and there was a pipe inside her purse. Martinez refused to give the agents consent to search the purse. Martinez was transported to the Eddy County Detention Center (ECDC) for the arrest warrant. Agents secured the residence to obtain and execute a search warrant.

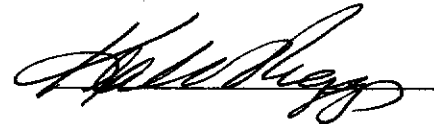
TFA Matthews completed and executed a New Mexico District Court Search Warrant number SW-2014-1 at 306 North Halagueno. Agents located three baggies that contained a white crystalline substance that was consistent with methamphetamine, a digital scale, multiple small zip-lock baggies with a black clover design, methamphetamine pipes and \$2015.00 in United States Currency (USC). TFA Matthews amended the original Search Warrant to include the seizure of the USC. The USC was located in the following three locations/increments; \$1,865.00 was found in Martinez' purse, \$100 was found under a couch cushion and \$50.00 was found on the bed in the bedroom.

Based on the above information, Special Agent Gelinas believes that Monique Martinez did Possess with Intent to Distribute a Controlled Substance, to wit approximately 174.6 grams gross of methamphetamine, a schedule II controlled substance, in violation of Title 21 USC 841.



Joseph W. Gelinas

Drug Enforcement Administration



Judge Kea Riggs

United States Magistrate Judge